<center>REMARKS</center>

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 1, 7 and 8 have been amended for clarity.

The Examiner has rejected claims 1, 2 and 4-8 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,006,257 to Slezak. The Examiner has further rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over slezak in view of U.S. Patent 7,257,132 to Akamatsu et al.

The Slezak patent discloses a multimedia architecture for interactive advertising in which secondary programming is varied based upon viewer demographics and content of primary programming, in which a user sends signals back to the service provider to affect the delivery of a streamed video program, thus enabling a fast-forward function or rewind function.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention, as claimed in claim 1, includes the steps "generating an information signal consisting essentially of

control information and an input broadcast program comprising at least one particular event", "transmitting said information signal to each user", "the user making a choice of subscription using a device comprising means for effecting said choice, said device further comprising means for selecting" and "wherein said means for selecting operates on the input broadcast program comprising at least one particular event in dependence on the control information to selectively provide an output broadcast program, the particular event being included or not included in the output broadcast program according to the chosen subscription in accordance with said control information".

In the current Office Action, the Examiner states:

"Slezak discloses generating an information signal which has control information to let users to choose a subscription (Column 8, lines 18-39, Column 9, lines 6-10, Column 3, lines 63-67, Column 4, lines 1-4). The choice of a subscription depends on the choice of whether a user wants to view a free, less expensive or more expensive programming. The subscription defines whether a program will include a particular event (or advertisement) or not. Slezak discloses if the chosen subscription selectively includes an event or not; if the user is paying for the program at full cost, then advertising is not included (Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4). Slezak discloses a must see video is a particular event the user has to view in order to receive a reduced cost based on the chosen subscription (Column 9, lines 39-55)."

Applicants submit that while this may accurately describe the apparatus of Slezak and that the desired end goal in Slezak is the same as in the subject invention, the method in which the subject invention arrives at the goal (claims 1-6) and the apparatus used in the subject invention to arrive at the goal

(claims 7 and 8) is patentably distinct from that described in Slezak. In particular, in the subject invention, switching means at the user is configured by the provider such that, depending upon the chosen subscription, the switching means is responsive to control information sent in an information signal. Then the same information signal, containing the control information and a broadcast signal including a particular event, is sent to each of the users. Then at a particular user's location, upon receipt of the information signal, the switching means, under control of the control information, operates on the broadcast signal to generate an output broadcast signal which may or may not include the particular event, depending upon the chosen subscription of the user.

In Slezak, on the other hand, signals are sent to the user equipment to enable the user to select a particular subscription, the user equipment including switching means enabling the user to select the particular subscription. Then, depending on the selected subscription, the provider transmits either a broadcast signal having the particular event, or a broadcast signal not having the particular event. As such, the same information signal is not transmitted to each user. Further, the information signal (transmitted to each user) of Slezak does not include control information and a broadcast signal having a particular event. Finally, at the user, the received broadcast signal is not processed by means for switching, using the control information, to form an output broadcast signal not including the particular event.

Claim 3 includes the limitations "said device is configured to perform the acts of accelerated reading of a recorded program; and deactivating said accelerated reading during the particular event in respect of a specified subscription in accordance with said control information."

The Akamatsu et al. patent discloses a receiver set, information apparatus and receiving system, which includes a digital broadcast receiver, and means for recording broadcast program data. However, there is no disclosure or suggestion as to how this could operate with Slezak in order to effect the limitations of claim 3. Further, Applicants submit that Akamatsu et al. does not supply that which is missing from Slezak.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-8, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611